

REMARKS

Reconsideration of the subject application is requested in view of the foregoing amendments and the following remarks.

Claims 1-7, 9, 10, 12-15, and 17-26 are pending in the application, with claim 1 being independent. Claims 8, 11, 16, 27, and 28 have been cancelled without prejudice to or disclaimer of the subject matter recited therein. Claims 1, 2, 6, 7, 9, 12, 15, 17, and 19-22 have been amended. Support for the amendments to the claims may be found in the original specification, for example, on pages 13-15 and 114. No new matter has been added.

Claim objections

Claim 11 has been objected to as being in improper dependent form for not further limiting the subject matter of a previous claim. Without conceding the propriety of this objection, and to expedite prosecution of the present application, Applicants have cancelled claim 11 without prejudice or disclaimer.

The Examiner has indicated that claims 12-14 and 23-26 contain allowable subject matter but has objected to these claims for depending from rejected base claim 1. Applicants submit that amendments made to claim 1, as discussed in further detail below, place claim 1 in condition for allowance. Applicants thus submit that claims 12-14 and 23-26 are also in condition for allowance.

Provisional double patenting rejection

Claims 1-10 and 15-18 have been provisionally rejected under the judicially created doctrine of obviousness-type double patenting over claims 24, 34-41, 47, and 51-53 of U.S. Application No. 10/464,430. Without conceding the propriety of the provisional rejection, Applicants respectfully request that the rejection be held in abeyance until either the present application or U.S. Application No. 10/464,430 is deemed to be in condition for allowance.

Rejections under 35 U.S.C. § 112, second paragraph

Claims 1-3, 6, and 7 have been rejected as being indefinite due to use of the term “substituted” in those claims, while claims 4, 5, and 9-11 have been rejected for depending from

claims 1-3, 6, and 7. Applicants respectfully disagree that these claims are indefinite but have nevertheless amended independent claim 1 to recite substituents possible on C₁₋₆ aliphatic groups, C₆₋₁₀ aryl groups, heteroaryl rings having 5-10 ring atoms, or heterocyclyl rings having 5-10 ring atoms. Further, dependent claim 2 has been amended to recite substituents possible on the recited benzo ring. Support for the language added to claims 1 and 2 may be found in the original specification, for example, on pages 13-15 and 114 thereof. Reconsideration and withdrawal of the rejection of claims 1-7 and 9-11 under 35 U.S.C. § 112, second paragraph are respectfully requested.

Applicants explicitly note that the recitation in claims 1 and 2 of particular possibilities for substituents is not a disclaimer of any other possibilities for substituents on formula IIIa that are supported by the specification. In this regard, Applicants reserve the right to pursue claims reciting such other possibilities in continuation applications.

Claim 22 has been rejected under 35 U.S.C. § 112, second paragraph, for recitation of the language “wherein said GSK-3-mediated disease.” In response, Applicants have amended this claim to recite “wherein said patient is in need of treatment of a GSK-3-mediated disease.” Withdrawal of the rejection of claim 22 is respectfully requested.

Rejection under 35 U.S.C. § 112, first paragraph

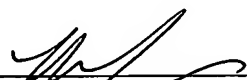
The Examiner considers the specification to enable a method for treating certain types of cancer, diabetes, multiple sclerosis, and cardiomyocyte hypertrophy. However, the Examiner considers the specification not to enable a method for treating baldness, schizophrenia, Parkinson’s Disease, Alzheimer’s Disease, Huntington’s Disease, AIDS-associated dementia, cancer broadly, or reperfusion/ischemia broadly. Accordingly, claims 15, 19, 20, 21, 22, 27, and 28 have been rejected.

Without conceding the propriety of the rejection, and to expedite prosecution of the present application, Applicants have cancelled claims 27-28 without prejudice or disclaimer, and amended claims 15 and 19-22 in line with the Examiner’s position as to which treatment methods are enabled. Applicants submit that claims 15 and 19-22 are therefore in condition for allowance and request withdrawal of the rejection under 35 U.S.C. § 112, first paragraph.

In view of the above, Applicants submit that the subject application is in condition for allowance. Favorable consideration and passage to issue of the application are respectfully requested.

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Respectfully submitted,

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